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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION**

CELAL DEDE, individually and  
as Personal Representative of  
the Estate of Diren Dede,  
Deceased, and on behalf of  
GULCIN DEDE, BASAK DEDE,  
and ESRA DEDE,

Plaintiff,

vs

MARKUS KAARMA and  
JANELLE PFLAGER,

Defendants.

CV 15-16-M-DWM

**MOTION FOR COURT ORDER  
TO EFFECTUATE SETTLEMENT  
AGREEMENT**

COMES NOW, Plaintiff, Celal Dede, by and through his counsel of record, and hereby requests the Court to issue its Order confirming the transfer by Janelle Pflager of all right, title, and interest in the guns the Missoula Police Department confiscated from 2607 Deer Canyon Court, Missoula, Montana on or about April 27, 2014 or April 28, 2014 for

purposes of evidence or safe-keeping. The Missoula Police Department took into its possession the following guns on or about April 27, 2014 or April 28, 2014, with the Mossberg 12-gauge shotgun being the murder weapon and taken into evidence for that purpose and the other guns being confiscated by the Missoula Police Department for safe-keeping:

Mossberg 500A 12-gauge shotgun S/N R916237  
Benelli M4 12-gauge shotgun S/N TM68765A  
Weatherby INC Vanguard .338 rifle S/N VS232771  
Savage Arm Corp Mod64 .22 rifle S/N 0631404  
Smith and Wesson 629 .44caliber pistol S/N CN54425  
Kimber Custom TLE/RL11 .45 caliber pistol S/N K128826  
Wilson Combat US CQB Elite .45 caliber pistol S/N WCT26889

The settlement agreement in this case states, in part, regarding the guns:

Janelle Pflager's agreement to execute whatever document is necessary to transfer her interest in the firearms identified on the attached Exhibit A, together with any other firearm confiscated by the Missoula City Police Department from Markus Kaarma or Janelle Pflager, to Releasor

On July 16, 2015, Janelle Pflager executed the attached Transfer of Ownership of her Right, Title and Interest in all of the guns (Exhibit "A"). As previously stated, the Mossberg 12-gauge shotgun, the murder weapon, cannot, at this time, be transferred. The Missoula Police Department will retain that gun as evidence. However, all of the other guns except the

Mossburg 12-gauge shotgun should be transferred to Celal Dede or his agent, the undersigned, at this time.

As a convicted felon, Defendant Kaarma cannot possess or direct the transfer of these guns. 28 USC §922(g)(1). Further, Defendant Kaarma's conditions of supervision under the Montana Department of Corrections include the following:

6. The Defendant is prohibited from using, owning, possessing, transferring, or controlling any firearm, ammunition (including black powder), weapon, or chemical agent such as oleoresin capsicum or pepper spray.

Thus, Kaarma has no interest or right to determine the transfer of these guns.

Even if Defendant Kaarma had some interest or ownership to direct the transfer of these guns in spite of his conviction of Deliberate Homicide, Defendant Kaarma made his belief as to the ownership of the guns clear and his intent to transfer these guns to his common-law wife, Janelle Pflager during a recorded jailhouse telephone conversation between Kaarma and Pflager:

Kaarma: And ya so the Benelli and those 45's are technically yours.

Pflager: Ya.

Kaarma: But they're all – they're all yours anyway but those ones are yours for sure.

Pflager: Ya and the revolver.

Kaarma: Ya and that one too. The hunting ones are mine. But I'm giving them to you but you've always owned the 45s and the revolver and the Benelli.

...

(20150125-20150126 Jail Calls/1422244076\_130. (A complete transcript of this call on the subject of the guns is attached as Exhibit "B." The transcription of this call was performed by Paoli Law Firm.)

From this information, it is clear that Janelle Pflager owns four of the guns:

Benelli M4 12-gauge shotgun S/N TM68765A  
Smith and Wesson 629 .44caliber pistol S/N CN54425  
Kimber Custom TLE/RL11 .45 caliber pistol S/N K128826  
Wilson Combat US CQB Elite .45 caliber pistol S/N WCT26889

It is also clear from this telephone conversation Defendant Kaarma's intent is to give the remaining three guns to Defendant Pflager:

Mossberg 500A 12-gauge shotgun S/N R916237  
Weatherby INC Vanguard .338 rifle S/N VS232771  
Savage Arm Corp Mod64 .22 rifle S/N 0631404

For these reasons, and with no objection from Defendant Pflager, Plaintiff respectfully requests the Court to issue its Order giving effect to this portion of the settlement terms so the settlement may be completed and this case dismissed. Defendant Kaarma objects.

A proposed order is provided for the Court's convenience.

DATED this 29<sup>th</sup> day of July, 2015.

By: /s/ David R. Paoli  
David R. Paoli  
PAOLI LAW FIRM  
*Attorney for Plaintiff*